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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,499	09/28/2006	Kazuo Kuroda	8048-1196	3723
466	7590	11/12/2009	EXAMINER	
YOUNG & THOMPSON			SHEN, KEZHEN	
209 Madison Street				
Suite 500			ART UNIT	PAPER NUMBER
Alexandria, VA 22314			2627	
			NOTIFICATION DATE	DELIVERY MODE
			11/12/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/594,499	KURODA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kezhen Shen	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 July 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 and 5-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 and 5-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 5-12 have been considered but are moot in view of the new ground(s) of rejection.

In regards to the amendments to claims 1, 7 and 12 in view of the 102(b) rejection, applicant argues against the limitation of "wherein the identification information is star/end address information indicating a start or end position of at least one portion of said first buffer area formed in advance. The examiner disagrees with the argument. The management area contains address information indicative of the first buffer area (8b1-8b4 of Drawing 3, [0047] address number is written to LPP) which also teaches the buffer area are prepit which is formed in advanced as the pre-recording area. Further, the star and end address of the buffer area are defined as by the N1-N8 addresses (N1 – N8 of Drawing 3, [0067] – [0083]). Therefore, the rejection in view of Junsaku still stands in view of the amendments.

In regards to the double patenting rejection, applicant argues against the claims US 7,502,285 to not disclose the novel features of claims 1-12. Upon further examination, the examiner has concluded the features claimed in the limitation of the current application are not the features claimed in patent US 7,502,285. Therefore, the double patenting rejection has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Junsaku et al. JP 2002-216361.

Regarding claim 1, Junsaku et al. teach an information recording medium comprising: a first recording layer in which a first recording track path for recording record information, is formed (3 of Drawing 1, [0034] – [0037], front recording layer); a second recording layer which is disposed on said first recording layer and in which a second recording track path for recording the record information, is formed in an opposite direction to the first recording track path (2 of Drawing 1, [0034] – [0037], back recording layer); and further, a first buffer area (8b1-8b4 of Drawing 3, [0046], non-record section) for preventing a recording or reproduction position from deviating from said first recording layer or said second recording layer ([0046] – [0055]), and for layer jump, on an outer circumferential edge portions of said first recording layer and said second recording layer ([0046] – [0055]), at least one portion of said first buffer area being formed in advance as a pre-recording area, of embossed pits or pits obtained by irradiation of recording laser ([0047], [0056] prepit), and said information recording medium further comprising a management area to record therein identification information indicating whether or not at least one portion of said first buffer area is formed in advance as the pre-recording area ([0046] – [0055], [0066] – [0076] 8b1-8b4 of Drawing 3, [0047] address information), wherein the identification information is start /

end address information indicating a start or end position of at least one portion of said first buffer area formed in advance (N1-N8 of Drawing 3, [0059]).

Regarding claim 2, Junsaku et al. teach the information recording medium according to claim 1, wherein said management area is a recording management area for managing the recording of the record information (Drawing 3, [0046] – [0055], [0066] – [0076]).

Regarding claim 3, Junsaku et al. teach the information recording medium according to claim 1, wherein pre-format address information is recorded in said first recording layer and said second recording layer ([0046] – [0055] non-record section), and identification information indicating that said first buffer area is formed in advance (Abstract, [0047] prepit, prewrite and preemboss), is added to the pre-format address information ([0046] – [0055]).

Regarding claim 5, Junsaku et al. teach the information recording medium according to claim 4, wherein the start/end address information indicates that said first buffer area is not formed in advance, when having a predetermined value ([0046]).

Regarding claim 6, Junsaku et al. teach the information recording medium according to claim 1, wherein (i) at least one portion of said first buffer area is formed in advance of embossed pits ([0046] – [0055]), and a recording film capable of performing additional recording is laminated thereon ([0065]).

Regarding claim 7, Junsaku et al. teach an information recording apparatus for recording a first portion of the record information along the first recording track-path (3 of Drawing 3, [0036]), and for recording a second portion of the record information, with

a recording direction turned around, along the second recording track path (2 of Drawing 3, [0036]), with respect to an information recording medium constructed such that a first recording layer has a first recording capacity and a second recording layer has a second recording capacity ([0034] – [0035] the two recording layers has two different recording area), said information recording medium comprising: a first recording layer in which a first recording track path for recording record information, is formed (3 of Drawing 1, [0034] – [0037], front recording layer); a second recording layer which is disposed on said first recording layer and in which a second recording track path for recording the record information, is formed in an opposite direction to the first recording track path (2 of Drawing 1, [0034] – [0037], back recording layer); and further, a first buffer area (8b1-8b4 of Drawing 3, [0046], non-record section) for preventing a recording or reproduction position from deviating from said first recording layer or said second recording layer ([0046] – [0055]), and for layer jump, on an outer circumferential edge portions of said first recording layer and said second recording layer ([0046] – [0055]), at least one portion of said first buffer area being formed in advance as a pre-recording area, of embossed pits or pits obtained by irradiation of recording laser ([0047], [0056] prepit), and said information recording medium further comprising a management area to record therein identification information indicating whether or not at least one portion of said first buffer area is formed in advance as the pre-recording area ([0046] – [0055], [0066] – [0076] 8b1-8b4 of Drawing 3, [0047] address information), wherein the identification information is start / end address information indicating a start or end position of at least one portion of said first buffer area formed in

advance (N1-N8 of Drawing 3, [0059]), said information recording apparatus comprising: a writing device capable of respectively writing the first portion and the second portion into said first recording layer and said second recording layer ([0028] – [0029]), a calculating device for calculating a turn-around address on the first recording track path, in turning around from the first recording track path to the second recording track path ([0028], [0047] – [0055]), in a case where the first portion with an information amount which does not satisfy the first recording capacity, out of the record information, is written along the first recording track path ([0047] – [0055]), and where the second portion with an information amount which does not satisfy the second recording capacity is written along the second recording track path ([0047] – [0055]), on the basis of a total information amount of the record information ([0048] – [0049] from start address to target address), the start/end address information ([0045]), the first recording capacity ([0045] address of beginning and ending record feasible region of the front recording layer), and the second recording capacity ([0045] address of beginning and ending record feasible region of the back recording layer), and a controlling device for controlling said writing device ([0048]), to write the first portion along the first recording track path up to the calculated turn-around address ([0047] – [0055]), to add buffer data so as to form another portion of said first buffer area in said first recording layer and said second recording layer ([0046] the non-record section can be recorded), and to write the second portion along the second recording track path from a correspondence address in said second recording layer corresponding to the calculated turn-around address in said first recording layer ([0047] – [0055]).

Regarding claim 8, Junsaku et al. teach the information recording apparatus according to claim 7, wherein said controlling device controls said writing device to write the buffer data ([0046] recording non-record section), in order to form a second buffer area for preventing a recording or reproduction position from deviating from an inner circumferential edge portion of said second recording layer (8a-8d of Drawing 3), in response to a finalize instruction for maintaining compatibility with a read-only or reproduce-only information recording medium ([0078] – [0083]).

Regarding claim 9, Junsaku et al. teach the information recording apparatus according to claim 7, wherein said controlling device controls said writing device to write the buffer data ([0046] recording non-record section), in order to form a third buffer area located on an inner circumferential side of said first buffer area (8a-8d of Drawing 3), on the basis of a total information amount of the record information ([0048] – [0049] from start address to target address), the start/end address information ([0045]), the first recording capacity ([0045] address of beginning and ending record feasible region of the front recording layer), and the second recording capacity ([0045] address of beginning and ending record feasible region of the back recording layer).

Regarding claim 10, Junsaku et al. teach the information recording apparatus according to claim 7, wherein said controlling device controls said writing device to write the buffer data ([0046] recording non-record section), in order to form a fourth buffer area linked to said first buffer area (8a-8d of Drawing 3), on the basis of a total information amount of the record information ([0048] – [0049] from start address to target address), the start/end address information ([0045]), the first recording capacity

([0045] address of beginning and ending record feasible region of the front recording layer), and the second recording capacity ([0045] address of beginning and ending record feasible region of the back recording layer).

Regarding claim 11, Junsaku et al. teach the information recording apparatus according to claim 7, wherein said controlling device controls said writing device to write the buffer data ([0046] recording non-record section), in order to form a plurality of buffer areas located on an inner circumferential side of said first buffer area (8a-8d of Drawing 3), on the basis of a total information amount of the record information ([0048] – [0049] from start address to target address), the start/end address information ([0045]), the first recording capacity ([0045] address of beginning and ending record feasible region of the front recording layer), and the second recording capacity ([0045] address of beginning and ending record feasible region of the back recording layer).

Regarding claim 12, the limitations have been analyzed and rejected with respect to the reasons given above in claim 7. Further, one of ordinary skill in the art would have recognized the need for a method to operate the apparatus as claimed in claim 7.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/

/Joseph H. Feild/

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Examiner, Art Unit 2627

Supervisory Patent Examiner, Art  
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